

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	Subcategory Docket: 06-CV-11337-PBS
)	
THIS DOCUMENT RELATES TO)	Judge Patti B. Saris
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al., No.</i>)	
06-CV-11337-PBS)	
)	

**ABBOTT LABORATORIES INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY
RELEVANT TO ITS PENDING SPOILIATION MOTION**

Defendant Abbott Laboratories Inc. submits this supplemental authority notice to bring to the Court's attention to a recent decision of the Southern District of New York in *Pension Committee of the University of Montreal Pension Plan v. Banc of America Securities, LLC*, No. 05 Civ. 9016 (S.D.N.Y. Jan. 11, 2010), which is relevant to its spoliation motion (Dkt. No. 6096) in *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, No. 06-CV-11337-PBS. A copy of the decision is attached as Exhibit A.

Dated: January 24, 2010

Respectfully submitted,

/s/ James R. Daly

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CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF SUPPLEMENTAL AUTHORITY to be served on all counsel of record electronically by causing same to be posted via LexisNexis, this 24th day of January, 2010.

/s/ David S. Torborg
David S. Torborg